

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 GB INLAND PROPERTIES II,) Case No. CV 12-04953 DDP (AJWx)
12 LLC,)
13 Plaintiff,)
14 v.) ORDER TO SHOW CAUSE WHY THIS CASE
15 LUIS CASTRO,) SHOULD NOT BE REMANDED FOR LACK
16 Defendant.) OF JURISDICTION

18 The court orders Defendant to show cause why this action
19 should not be remanded to state court for lack of subject matter
20 jurisdiction. Plaintiff filed this action in state court against
21 Defendant, alleging that Defendant unlawfully failed to surrender
22 possession of the real property located at 1030 W. 101st Street,
23 Los Angeles 90044.

24 On June 6, 2012, Defendant Robin Mercer removed to this court
25 pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1331. A defendant may
26 remove to federal court "any civil action brought in a State court
27 of which the district courts of the United States have original
28 jurisdiction" 28 U.S.C. § 1441(a). District courts have

1 original jurisdiction over "all civil actions arising under the
2 Constitution, laws, or treaties of the United States. 28 U.S.C. §
3 1331. "Under the longstanding well-pleaded complaint rule,
4 however, a suit 'arises under' federal law only when the
5 plaintiff's statement of his own cause of action shows that it is
6 based upon federal law." Vaden v. Discover Bank, 556 U.S. 49, 60
7 (2009) (quotation, citation, and alteration omitted). "Federal
8 law" cannot be predicated on a defense or counterclaim. Id.
9 The removal statute is strictly construed against removal
10 jurisdiction, and federal jurisdiction must be rejected if any
11 doubt exists as to the propriety of removal. Gaus v. Miles, Inc.,
12 980 F.2d 564, 566 (9th Cir. 1992).

13 Here, nothing on the face of Plaintiff's complaint suggests a
14 federal question. Accordingly, the court orders the parties to
15 file cross-briefs, not to exceed five pages, to show cause why this
16 action should not be remanded for lack of subject matter
17 jurisdiction. Any such briefs shall be filed within fourteen days
18 of the date of this order. The parties should also deliver a
19 courtesy copy to chambers, Room 244-J, Second Floor, 312 N. Spring
20 Street, Los Angeles 90012. The court notes that Defendant bears
21 the burden of establishing removal jurisdiction. If a party does
22 not file a brief, the court will regard the party as not opposing
23 remand of this matter.

24 **IT IS SO ORDERED.**

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26 Dated: June 21, 2012
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DEAN D. PREGERSON
United States District Judge